

**REMARKS/DISCUSSION OF ISSUES**

Claims 1-51 are pending in the application.

Reexamination and reconsideration are respectfully requested in view of the following Remarks.

**35 U.S.C. §§ 102 and 103**

The Office Action rejects: claims 1-8, 10-14, 16, 17, 22-24, 26-30, 32-34 and 39-51 under 35 U.S.C. § 102 over LeBlanc et al., U.S. Patent 6,236,365 ("LeBlanc"); claims 9 and 25 under 35 U.S.C. § 103 over LeBlanc in view of Girard U.S. Patent Publication 2003/0005316 ("Girard"); claims 15 and 31 under 35 U.S.C. § 103 over LeBlanc in view of Raz et al., U.S. Patent 5,852,715 ("Raz"); claims 18-21 and 35-38 under 35 U.S.C. § 103 over LeBlanc in view of Land et al., U.S. Patent 6,008,805 ("Land").

Applicants respectfully traverse these rejections for at least the following reasons.

**Claim 1**

Among other things, the system of claim 1 includes an agent operable to run on each of a set of network connected devices, the agent querying a location server for a location of the device and storing location information for the device on the device, wherein when the location server is unable to satisfy the query for the location of the device, the location server is operable to query a hierarchical server that is operable to query other location servers for the location of the device.

Applicants respectfully submit that LeBlanc does not disclose any system including this combination of features.

The Office Action states that LeBlanc discloses an agent operable to run on each of a set of network connected devices at col. 8, lines 1-5.

Col. 8, lines 1-5 only mentions agents of "*trigger-based inventory and tracking systems*" to which LeBlanc's system and method can provide "*flexible delivery of location information.*" Col. 8, lines 1-5 of LeBlanc does not disclose that these agents

are operable to run on any network-connected devices and query a location server for a location of the device on which they are running.

However, the Office Action states that col. 13, lines 45-49, 53-58 and 63-67 disclose that these agents query a location server for a location of the device on which they are running.

Respectfully, the cited text at col. 13, lines 45-49, 53-58 and 63-67 does not disclose this. The cited text discloses that location information may be provided to an initiating caller who wishes to learn his location. It is an actual caller (not an agent) that queries for the location of the mobile station (MS) using a voice channel. The cited text does not mention any agent installed on a device, and particularly does not mention any agent of *"trigger-based inventory and tracking systems"* – which the Office Action has previously denoted (by citing col. 8, lines 1-5) as supposedly corresponding to the agents of claim 1.

So it is seen that the text cited in the Office Action does not disclose any agent operable to run on each of a set of network connected devices, the agent querying a location server for a location of the device and storing location information for the device on the device.

The Office Action also states that LeBlanc discloses at col. 63, lines 42-56 that when a location server is unable to satisfy a query for a location of a device, the location server is operable to query a hierarchical server that is operable to query other location servers for the location of the device.

Applicants respectfully disagree.

The cited text described FIG. 36 of LeBlanc.

FIG. 36 illustrates a system whereby an initiating caller (not any agent) may request and obtain the location of a target mobile station. The caller does this by dialing a predefined telephone number associated with an automatic all distributor (ACD). The ACD prompts from the caller to provide information (e.g., a mobile identification number (MIN)) identifying the target mobile station whose location is being requested. Then the ACD contacts the location center 142 to request the location of the target mobile station. Location center 142 works in conjunction with

mobile switching centers 108 to determine whether or not the target mobile station can be located, and if so, provides the location information back to the ACD, which in turn provides this information to the requesting caller.

FIG. 36 has a single location center 142. FIG. 36 does not have any hierarchical server which is queried by location center 142 whenever location center 142 is unable to satisfy a query by an agent running on a device for the location of the device. FIG. 36 does not show any "other location servers" which could be queried by the (nonexistent in FIG. 36) hierarchical server.

Nothing in the cited text mentions any hierarchical server which is queried by a location server whenever the location server is unable to satisfy a query by an agent running on a device for the location of the device. Nothing in the cited text mentions that any such hierarchical server then in turn queries any other location servers for the location of the device. The mobile switching centers 108 mentioned in the text cited in the Office Action are neither a hierarchical server, nor "other location servers" as recited in claim 1. The mobile switching centers 108 are utilized by the one and only location center 142 of FIG. 36 of LeBlanc to try to and determine a location of a target mobile device (see col. 64, lines 16-20).

Applicants respectfully note that this prosecution of this patent application has already been unnecessarily lengthened by the necessity of Applicants having to file an Appeal Brief in order to get the previous erroneous rejections to be withdrawn.

LeBlanc has 43 separate figures. It seems reasonable to expect that if LeBlanc actually disclosed the relationship between a device, and agent, a location server, a hierarchical server, and other location servers of claim 1, that one would be able to specifically identify (preferably by reference numerals) which elements in LeBlanc supposedly correspond to these various claimed elements. Yet the Office Action does not bother to identify any of the numerous elements in any of the drawings as allegedly corresponding to any of the elements of Applicants' claims, instead merely citing disjointed and unrelated pieces of texts strewn throughout LeBlanc and separated in some cases by 20 or more pages of text.

If for some reason the current rejections based on LeBlanc are maintained, at this point in the prosecution of this application, Applicants respectfully request that the Examiner provide the courtesy of specifically identifying exactly what elements of LeBlanc supposedly correspond to each of the elements of claim 1, if for no other reason than to clarify the record for the Board should Applicants need to reinstate their Appeal of the rejections of this application.

Accordingly, for at least these reasons, Applicants respectfully submit that claim 1 is very clearly patentable over LeBlanc.

Claim 24

Among other things, the method of claim 24 includes an agent executing on a device instructing the device to send a query to a location server for location information for the device, and when the location server is unable to provide the location information for the device in response to the query, then the location server queries a hierarchical server to obtain the location information from another location server.

As explained above with respect to claim 1, the cited text in LeBlanc does not disclose any agent on a device that sends a query to a location server for location information for the device. As also explained above with respect to claim 1, the cited text in LeBlanc does not disclose that when a location server is unable to provide the location information for the device in response to the query, then the location server queries a hierarchical server to obtain the location information from another location server.

Accordingly, for at least these reasons, Applicants respectfully submit that claim 24 is patentable over the cited text.

Claim 39

Among other things, the system of claim 39 includes a plurality of location servers, each location server acquiring locations of devices under a real-time location system associated with the location server; an agent operable to run on each of the devices, wherein the agent on a device queries a nearest location server associated with the device for a location of the device and storing location information for the

device on the device; and a hierarchical server adapted to querying each of the location servers for a location of the devices if the nearest location server fails to return a location of the device.

The Office Action states that LeBlanc discloses a plurality of location servers at col. 11, lines 3-9 and col. 13, lines 12-17 "modules."

Applicants respectfully disagree.

The cited text mentions separate modules of a location center may reside in remote locations.

It does not mention any plurality of location centers – or plurality of location servers, as recited in claim 39. This is especially evident by the language at col. 13 on the following lines 19-21:

*"For example, some number of THE location center modules may reside in remote locations and communicate their generated hypotheses via the Internet"*

(Emphasis Added).

These "modules" of one location center do not each acquire locations of devices under a real-time location system associated with each module. No agent operating on any device queries a nearest "module" associated with the device for a location of the device. So these modules cannot possibly correspond to the location servers of claim 39.

Also as explained above with respect to claim 1, the cited text in LeBlanc does not disclose any agent on a device that sends a query to a location server for location information for the device. As also explained above with respect to claim 1, he cited text in LeBlanc does not disclose that when a location server is unable to provide the location information for the device in response to the query, then the location server queries a hierarchical server to obtain the location information from another location server.

Accordingly, for at least these reasons, Applicants respectfully submit that claim 39 is patentable over the cited text.

Claim 45

Among other things, the method of claim 45 includes establishing a plurality of location servers, each of the location servers acquiring locations of devices under a real-time location system associated with the location server; an agent executing on a device instructing the associated device to send a query for location information of the device to a nearest location server associated with the device; and querying, by a hierarchical server, upon failure of the nearest location server to return a location of the device, each of the location servers for a location of the device.

As explained above with respect to claim 39, the cited text in LeBlanc does not disclose any plurality of location servers.

As explained above with respect to claim 1, the cited text in LeBlanc does not disclose any agent on a device that sends a query to a location server for location information for the device. As also explained above with respect to claim 1, he cited text in LeBlanc does not disclose that when a location server is unable to provide the location information for the device in response to the query, then the location server queries a hierarchical server to obtain the location information from another location server.

Accordingly, for at least these reasons, Applicants respectfully submit that claim 45 is patentable over the cited text.

Claims 2-8, 10-14, 16, 17, 22-24, 26-30, 32-34, 40-44 and 46-51

Claims 2-8, 10-14, 16, 17, 22-24, 26-30, 32-34, 40-44 and 46-51 depend variously from claims 1, 24, 39 and 45 and are deemed patentable for at least the reasons set forth above with respect to claims 1, 24, 39 and 45.

Claims 9, 15, 18-21, 25, 31 and 35-38

Claims 9, 15, 18-21, 25, 31 and 35-38 depend variously from claims 1 and 24. Without addressing the propriety of the proposed combinations of Girard, Raz and Land with LeBlanc, Applicants respectfully submit that Girard, Raz and Land do not remedy the shortcomings of LeBlanc with respect to claims 1 and 24, and therefore

claims 9, 15, 18-21, 25, 31 and 35-38 are deemed patentable for at least the reasons set forth above with respect to claims 1 and 24.

**CONCLUSION**

In view of the foregoing explanations, Applicants respectfully request that the Examiner reconsider and reexamine the present application, allow claims 1-51 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

Respectfully submitted,

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